

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LASSANA DIABY,

Defendant.

CR 21–51–M–DLC

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendation in this matter on January 26, 2022. (Doc. 21.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Johnston recommends that this Court accept Defendant Lassana Diaby’s guilty plea after he appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and entered a guilty plea to one count of theft of mail

by officer or employee, in violation of 18 U.S.C. § 1709, as set forth in the indictment. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendation (Doc. 21) is ADOPTED in full.

IT IS FURTHER ORDERED that Lassana Diaby's motion to change plea (Doc. 14) is GRANTED and Mr. Diaby is adjudged guilty as charged in the indictment.

DATED this 22nd day of February, 2022.



Dana L. Christensen, District Judge
United States District Court